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The Founding of Spanish California. The Northwestward Expansion of New Spain, 1687-1783. By Charles Edward Chapman, Ph.D., Assistant Professor of History in the University of California. New York: The Macmillan Co., 1916. Pp. xxxii+485. Illustrated.

This volume is largely the result of the author's researches in the *Archivo General de Indies* of Seville, Spain, while Traveling Fellow in Pacific Coast History under the patronage of the Native Sons of the Golden West. It is the first to be completed in a series of studies in Pacific coast history gathered from original sources under the inspiration of Prof. H. Morse Stephens, who also has written a general introduction published in this volume. It is Prof. Chapman's thesis that the subsequent acquisition of American frontage on the Pacific was largely made possible by Spanish colonization in the Californias during the period of which he writes. He holds that it was inevitable that Spain should lose these possessions, for they could only be maintained under normal conditions by the government having a base of supplies near at hand and an overland means of communication with it. Had not Spain been able to hold this territory until after the American Revolutionary war, the contest for its possession would have doubtless been decided among the English, French and Russians, each of whom had been steadily pressing forward in this region. But the heroic efforts of the Spanish colonizers in occupying *Alta California* in 1769, and the founding of San Francisco in 1776, "enabled the land to be held temporarily by Spain and Mexico until the American movement acquired the impetus that carried it to the Pacific coast in the early forties of the nineteenth century." With this idea directing his investigations, the author relates in detail the account of the foundation of the early settlements, Spain's policies in their maintenance and her difficulties in establishing communication with them, the encroachment of the English and Russians, and the circumstances which culminated in their acquisition by the United States. The numerous references and annotations in the text direct the reader to the documentary sources of the author's materials.

Any true history of Spanish colonization in America must necessarily treat of the great work of the missionary priests, secular and religious, whose missions, even as they appear today, offer abundant testimony of the religious zeal which characterized

and was an active motivating force in almost every expedition sent by Spain into the new country. Dr. Chapman notes in the preface, among the variety of subjects suggested but impossible of conclusive treatment in this book, "the part played by the regular and secular clergy in the conquest." The author does not, therefore, attempt a history of the Spanish missions in the Californias, but the pages of his book are replete with references to it. The official reports of the establishments always tell of the material and spiritual welfare of the settlers and Indians. Having recently read "Wraxall's Abridgment of New York Indian Records, 1678-1751," edited by Prof. McIlwain of Harvard University and reviewed in a recent number of the CATHOLIC HISTORICAL REVIEW, we are impressed with the striking contrast in tactics and motives which characterized the English and Spanish colonizing expeditions in America during these years. The English method was generally one of exploitation and oppression which resulted in the extermination of the native Indians, while the "cruel" Spaniard brought to them the peaceful arts and God's true religion.

The letters of the missionaries to their brethren and superiors, as well as the *expediente* or official reports received by the *ministro general de Indias*, relate the difficulties and hardships endured by the priests and soldiers in maintaining their settlements in *Alta California*. The ships that were sent to them with supplies were frequently wrecked, crops failed, and overland relief expeditions were often delayed or failed to arrive. One of the many instances chronicled by Dr. Chapman is taken from a letter of Father Lasuén of San Gabriel to his superior at the Franciscan College of San Fernando, April 23, 1774. Father Lasuén "begged to be relieved from the great hardship that he was suffering from lack of wearing apparel, which had already reached the point of indecency. His clothes had been in continuous use for more than five years. He had mended them until they no longer admitted of it, and, moreover, he no longer had the materials for sewing."

The student of the early period of Pacific coast history will find much of value in this work, for the materials employed by Dr. Chapman are in many instances taken from manuscripts either hitherto unused or not accessible in this country. The appendices and extensive bibliographical notes direct the reader

to the important sources of the text. Six rare maps and a portrait of the Viceroy, Bucarley, compose the illustrations.

The Constitutional Doctrines of Justice Harlan. By Floyd B. Clark, Ph.D., Assistant Professor of Political Science in Pennsylvania State College. Johns Hopkins University Studies in Historical and Political Science. Series XXXIII, No. 4. Pp. 208.

The death of John Marshall Harlan on October 14, 1911, removed from the Supreme Court of the United States an associate justice whose term of service in that high tribunal of nearly thirty-four years was exceeded in length by only two justices, Marshall and Field, both of whom served but a few months longer. During these years Justice Harlan delivered the majority opinions in more than 700 cases and concurred or dissented with opinions in 100 more—a record, we are told, that has not been surpassed. Prof. Clark is an admirer of the late Justice Harlan. However, in this study of his constitutional doctrines the author confesses frankly the danger of the temptation to overestimate or to underestimate.

The introductory chapter is devoted to a biographical sketch and to a brief consideration of some of the adverse criticisms that have been made against Mr. Harlan as a judge, chief of which is the charge that he “emphasized too greatly the letter of the law.” An examination of cases in the succeeding chapters affords the author arguments for his contention that this criticism “is based either on ignorance or on prejudice. . . . When, by a logical and grammatical construction of a law it could be made to correct the evils intended to be remedied by it, he argued that this should be done. But if such an application meant an absolute change in the law, he held that this change should be left to the legislative power.” Prof. Clark again notes in the concluding chapter that this constitutional doctrine of the denial to the judiciary of the legislative function was the subject of the first and last cases in which Justice Harlan dissented from the opinion of the court.

The cases arising on the subject of the suability of the States afforded Justice Harlan many opportunities to assert his opinions, many of which were at variance with the majority of the court,